

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

O.S.A.No.162 of 2015

Suresh Baffna
Prop. M/s.Mansi Mercantile Company
Chennai.

.. Appellant

-vs-

1.M/s.Pioneer Building Syndicate Private
Limited, Rep. by its Director,
Sarath Kakumanu.

2.Sarath Kakumanu

3.Sheela K.Sarath

.. Respondents

Appeal filed under Order 36 Rule 9 of O.S. Rules against the order dated 29.04.2015 passed in Appln. No.4277 of 2013 in C.S.No.406 of 2007 on the file of original side of this Court.

For Appellant : Mr.S.Sridhar

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J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

After some hearing, especially taking into consideration the fact that though a suit is filed under the provision of Order 37 Rule 1 of the Code of Civil Procedure, the claim professed from the date of the pro-note would be time barred and the appellant / original plaintiff seeks to rely upon the payments made from time to time to

consider limitation from the last payment, learned counsel for the appellant states that he seeks an expeditious disposal of the suit, as a suit under the provision of Order 37 may not be maintainable. He, thus, states that leave may be granted, the defendants may be asked to file written statement and an expeditious trial to the suit should take place.

2.We are in agreement with the submission of the learned counsel for the appellant and thus, the respondents are required to file the written statement straightaway within thirty (30) days of the receipt of this order, whereafter the trial shall proceed. Learned Single Judge would take note of the fact that the trial is of limited nature based on the amount advanced against the pro-note and payments made from time to time and thus, would endeavour to expedite the suit as early as possible.

3.The Original Side Appeal stands disposed of with the aforesaid directions. No costs.

-s/d-
Assistant Registrar(CSO)
dt:10/09/2015

True Copy

Sub-Assistant Registrar

sra

To

1.The Sub Assistant Registrar,
Original Side, Madras High Court,
Chennai.

2.Mr.Suresh Bafna
Prop.M/S.Mansi Mercantile Company
No.22-B Mulla Sahib Street,
Sowcarpet Chennai-79

+2 cc to Mr.S.Sridhar Advocate sr.45462

O.S.A.No.162 of 2015

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